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7 Attorneys for the Arizona State Board of Pharmacy

8  
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

11 **ALAN ISAACSON**

12 Holder of License No. 7599  
For the Practice of Pharmacy  
13 In the State of Arizona

Board Case No. 07-0057-PHR

**CONSENT AGREEMENT  
AND ORDER FOR PROBATION**

14  
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the  
17 public interest, statutory requirements and the responsibilities of the Arizona State Board  
18 of Pharmacy ("Board") and under A.R.S. §§ 32-1901, *et. seq.* and 41-1092.07(F)(5), Alan  
19 Isaacson ("Respondent"), holder of Pharmacist License Number 7599 in the State of  
20 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions  
21 of Law and Order ("Consent Agreement") as a final disposition of this matter.

22 1. Respondent has read and understands this Consent Agreement and has had  
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
24 opportunity to discuss this Consent Agreement with an attorney.  
25  
26

1           2.     Respondent understands that he has a right to a public administrative  
2 hearing concerning the above-captioned matter, at which hearing he could present  
3 evidence and cross examine witnesses. By entering into this Consent Agreement,  
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative  
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or  
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7           3.     Respondent affirmatively agrees that this Consent Agreement shall be  
8 irrevocable.

9           4.     Respondent understands that this Consent Agreement or any part of the  
10 agreement may be considered in any future disciplinary action by the Board against him.

11          5.     Respondent understands this Consent Agreement deals with Board  
12 Complaint No. 3308 involving allegations of unprofessional conduct against Respondent.  
13 The investigation into these allegations against Respondent shall be concluded upon the  
14 Board's adoption of this Consent Agreement.

15          6.     Respondent understands that this Consent Agreement does not constitute a  
16 dismissal or resolution of any other matters currently pending before the Board, if any,  
17 and does not constitute any waiver, express or implied, of the Board's statutory authority  
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19          7.     Respondent also understands that acceptance of this Consent Agreement  
20 does not preclude any other agency, subdivision, or officer of this State from instituting  
21 any other civil or criminal proceedings with respect to the conduct that is the subject of  
22 this Consent Agreement.

23          8.     All admissions made by the Respondent in this Consent Agreement are  
24 made solely for the final disposition of this matter, and any related administrative  
25 proceedings or civil litigation involving the Board and Respondent. Therefore, any  
26

1 admissions made by Respondent in this Consent Agreement are not intended for any  
2 other use, such as in the context of another regulatory agency's proceedings, or civil or  
3 criminal proceedings, whether in the State of Arizona or in any other state or federal  
4 court.

5 9. Respondent acknowledges and agrees that, upon signing this Consent  
6 Agreement and returning this document to the Board's Executive Director, he may not  
7 revoke his acceptance of the Consent Agreement or make any modifications to the  
8 document regardless of whether the Consent Agreement has been signed by the  
9 Executive Director. Any modification to this original document is ineffective and void  
10 unless mutually agreed by the parties in writing.

11 10. Respondent understands that the Consent Agreement shall not become  
12 effective unless and until adopted by the Board and signed by its Executive Director.

13 11. If a court of competent jurisdiction rules that any part of this Consent  
14 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
15 shall remain in full force and effect.

16 12. Respondent understands and agrees that if the Board does not adopt this  
17 Consent Agreement, he will not assert as a defense that the Board's consideration of this  
18 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

19 13. Respondent understands that this Consent Agreement is a public record that  
20 may be publicly disseminated as a formal action of the Board and may be reported as  
21 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
22 Protection Data Bank.

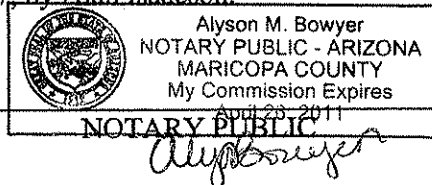
23 14. Respondent understands that any violation of this Consent Agreement  
24 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-  
25 1901.01(B)(20), -1927(A)(1).

1 ACCEPTED AND AGREED BY RESPONDENT

2   
3 Alan Isaacson

Dated: 6/26/07

4 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,  
5 this 26 day of June, 2007, by Alan Isaacson.



8 My Commission expires: April 26, 2011

9  
10 **FINDINGS OF FACT**

11 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted  
12 authority for licensing and regulating the practice of pharmacy in the State of Arizona.

13 2. Alan Isaacson ("Respondent") is the holder of license number 7599 to  
14 practice as a pharmacist in the State of Arizona.

15 3. During all times relevant to these Findings, Respondent worked as a  
16 pharmacist at Fry's Food & Drug #673 in Scottsdale, Arizona ("Pharmacy").

17 4. On or about January 22, 2007, the Board was contacted and informed that  
18 Respondent had been terminated from Pharmacy for authorizing two prescription refills  
19 for a family member and filling one of the prescriptions without authorization from a  
20 physician.

21 5. Respondent admitted that he overstepped his authority and authorized  
22 prescription refills for his brother and filled a Diazepam prescription without  
23 authorization from his brother's physician. According to Respondent, he reassigned the  
24 prescriptions, whose refills had expired, with the full intent of phoning the physician for  
25 authorization.  
26

1           6.     Although he failed to follow up and obtain the physician's authorization,  
2 the physician indicated that she would have authorized the refills had she been contacted.

3                               **CONCLUSIONS OF LAW**

4           1.     The Board possesses jurisdiction over the subject matter and over  
5 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

6           2.     Pursuant to A.R.S. § 32-1927(A)(1), the Board may discipline a pharmacist  
7 who has engaged in unprofessional conduct.

8           3.     Respondent's practice and conduct, as described in the Findings of Fact,  
9 constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(B)(2) ("Violating  
10 any federal or state law, rule or regulation relating to the manufacture or distribution of  
11 drugs and devices or the practice of pharmacy.").

12          4.     Respondent's practice and conduct, as described in the Findings of Fact,  
13 constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(B)(11) ("Knowingly  
14 dispensing a drug without a valid prescription order as required pursuant to section 32-  
15 1968, subsection A.").

16          5.     Respondent's practice and conduct, as described in the Findings of Fact,  
17 constitutes unprofessional conduct, as such conduct constitutes a violation of A.R.S. §  
18 32-1968(A) ("A prescription-only drug shall be dispensed only under one of the  
19 following conditions: (1) By a medical practitioner in conformance with A.R.S. § 32-  
20 1921; (2) On a written prescription order bearing the prescribing medical practitioner's  
21 manual signature; (3) On an electronically transmitted prescription order containing the  
22 prescribing medical practitioner's electronic or digital signature that is reduced promptly  
23 to writing and filed by the pharmacist; (4) On a written prescription order generated from  
24 electronic media containing the prescribing medical practitioner's electronic or manual  
25 signature. A prescription order that contains only an electronic signature must be applied  
26

1 to paper that uses security features that will ensure the prescription order is not subject to  
2 any form of copying or alteration; (5) On an oral prescription order that is reduced  
3 promptly to writing and filed by the pharmacist; (6) By refilling any written,  
4 electronically transmitted or oral prescription order if a refill is authorized by the  
5 prescriber either in the original prescription order, by an electronically transmitted refill  
6 order that is documented promptly and filed by the pharmacist or by an oral refill order  
7 that is documented promptly and filed by the pharmacist.”)

8 **ORDER**

9 Based upon the above Findings of Fact and Conclusions of Law and under the  
10 authority granted to the Board by A.R.S. §§ 32-1928, 41-1092.07(F)(5), and A.A.C. R4-  
11 23-122 (C):

12 IT IS HEREBY ORDERED THAT Pharmacist License No. 7599, which was  
13 issued to Respondent for the practice of Pharmacy in the State of Arizona, is hereby  
14 placed on **PROBATION** for a period of six (6) months subject to the following  
15 conditions:

- 16 1. Respondent shall pay a fine of \$2,000.00.
- 17 2. Respondent shall complete sixteen (16) hours of continuing  
18 education approved by the Board or its designated agent. The sixteen (16) hours of  
19 continuing education is in addition to and may not be used by Respondent to meet  
20 the requirements of A.R.S. § 32-1936.
- 21 3. Respondent shall furnish all pharmacy employers with a copy of this  
22 Board Order throughout the term of his probation.
- 23 4. Respondent shall advise the Board immediately of any change in  
24 pharmacy employment status throughout the term of his probation.  
25  
26

1           5.     Respondent shall furnish the Board with a list of all jurisdictions in  
2     which he maintains or has maintained licensure in the profession of pharmacy  
3     along with the registration numbers of said licenses.

4           6.     Respondent shall obey all federal and state laws and rules governing  
5     the practice of pharmacy.

6           7.     If Respondent violates this order in any way or fails to fulfill the  
7     requirements of this order, the Board, after giving the respondent notice and the  
8     opportunity to be heard, may revoke, suspend or take other disciplinary actions  
9     against the Respondent's license. The issue at such a hearing will be limited  
10    solely to whether this order has been violated.

11          8.     Respondent shall appear before the Board at a regularly scheduled  
12    Board meeting six months after the effective date of this Order to request that the  
13    probation imposed by this order be terminated. Respondent's failure to petition  
14    the Board to terminate the probation shall extend the probation period.

15                    31<sup>st</sup>  
16    DATED this     day of     JULY     , 2007.

17  
18                                   ARIZONA STATE BOARD OF PHARMACY

19    (Seal)

20  
21    By:



22                   HAL WAND, R.Ph.  
23                   Executive Director  
24  
25  
26

RECEIVED

JUN 27 2007

ARIZONA STATE  
BOARD OF PHARMACY

1 ORIGINAL OF THE FOREGOING FILED  
2 this 31 day of July, 2007, with:

3 Arizona State Board of Pharmacy  
4 4425 W. Olive Avenue, Suite 140  
5 Glendale, Arizona 85302

6 EXECUTED COPY OF THE FOREGOING MAILED  
7 BY CERTIFIED MAIL

8 this 31 day of July, 2007, to:

9 Alan Isaacson  
10 8451 E. Gilded Perch Drive  
11 Scottsdale, AZ 85255

12 EXECUTED COPY OF THE FOREGOING MAILED  
13 this 31 day of July, 2007, to:

14 Elizabeth A. Campbell  
15 Assistant Attorney General  
16 1275 W. Washington Street, CIV/LES  
17 Phoenix, Arizona 85007

18 # 496892